

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**MYOUNGHWAA LEE**

Plaintiffs/ Petitioners,

v.

Civil Action No. 1:23-cv-06890

**U.S. DEPARTMENT OF HOMELAND  
SECURITY, U.S. CITIZENSHIP AND  
IMMIGRATION SERVICES;**

**Alejandro Mayorkas**, in the official capacity as  
Secretary of the U.S. Department of Homeland  
Security; **Ur M. Jaddou**, in the capacity as Director  
of the United States Citizenship and Immigration  
Services; **Terri Robinson**, in the capacity as  
Director of the National Benefits Center of the  
United States Citizenship and Immigration Services;  
**Michael Borgen**, in the capacity as Acting Director  
of New York Field Office of the United  
States Citizenship and Immigration Services

Defendants/ Respondents.

COMPLAINT FOR A WRIT OF  
MANDAMUS, APA JUDICIAL REVIEW  
AND DECLARATORY RELIEF

COMES NOW Plaintiffs, Myounghwa Lee, by and through undersigned counsel, respectfully submit their Complaint for Mandamus, 28 U.S.C. §§ 1361, 1651, APA Judicial Review, 5 U.S.C. § 702 *et seq.*, and Declaratory Relief, 28 U.S.C. § 2201, in combination with federal question jurisdiction, 28 U.S.C. § 1331. In support thereof, Plaintiff respectfully state the following:

**INTRODUCTION**

1. This is an action seeking APA Judicial Review along with Mandamus and Declaratory Relief in regard to the U.S. Citizenship and Immigration Services (“USCIS”)’ failure to

adjudicate the plaintiff's Form I-485, Application to Register Permanent Residence or Adjust Status, Case No. IOE0914218859 for Myounghwa Lee ("Lee"), hereinafter Plaintiff's I-485 Applications.

2. USCIS has a mandatory non-discretionary duty to adjudicate the Plaintiff's pending I-485 Applications making this case appropriate for relief under 28 U.S.C. §§ 1361. USCIS' delay in adjudication of Plaintiffs' applications is unreasonable, arbitrary, and capricious. 5 U.S.C §§ 706 (1), (2)(A).

### **JURISDICTION AND VENUE**

3. The court has subject matter jurisdiction pursuant to 28 U.S.C. § 1361. The mandamus statute vests original jurisdiction in the federal courts. It provides that "[t]he district courts shall have original jurisdiction of any action in the nature of mandamus." 28 U.S.C. § 1361.

4. The court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question). The statute provides that "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." This action arises under the Immigration and Nationality Act, a United States law.

5. The court has subject matter jurisdiction under 28 U.S.C. § 1346(a)(2) (the United States as defendant). This is a civil action against the officers and agencies of the United States founded upon an Act of Congress and a regulation of an executive department.

6. The APA provides that "[a] person suffering a legal wrong because of agency action, or adversely affected or aggrieved by an agency action within the meaning of a relevant statute, is entitled to judicial review thereof." 5 U.S.C. § 702.

7. This court may hold unlawful or set aside agency actions not in accordance with the law.

5 U.S.C. § 706(2)(A).

8. For the purpose of 5 U.S.C. § 704, Plaintiffs lack any statutory, regulatory, or administrative remedy. Therefore, the instant suit is properly filed. 5 U.S.C. § 704 (“[a]gency action made reviewable by status and final agency action for which there is no other adequate remedy in a court are subject to judicial review.”).

9. Jurisdiction lies to grant declaratory relief pursuant to 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

10. Venue properly lies in the Southern District of New York Pursuant to 28 U.S.C. § 1391(e) in that this is an action against U.S. officers in their official capacity brought in the District where “a substantial part of the events or omissions giving rise to [Plaintiffs’] claims occurred,”. Plaintiff’s applications are based on an approved Form I-130, Petition for Alien Relative, Case No. IOE0914218860, filed for Plaintiff by her U.S. citizen husband currently with Plaintiff’s I-485 application on November 15, 2021. The case was assigned to the USCIS New York Field Office where an interview was also held on June 6, 2022. The Office that has held an interview and is reviewing Plaintiff’s case locates at 26 Federal Plaza, New York, NY 10278 which is within the jurisdiction of the Southern District of New York.

11. Jurisdiction is not stripped from this Court by 8 U.S.C. § 1252 *et seq.*, as this action is not a request to review a removal order.

### **PARTIES**

12. Plaintiff, Myounghwa Lee, was born in China and is currently a citizen of South Korea.

13. On November 15, 2021, Lee filed Form I-485, Application to Register Permanent Residence or Adjust Status, (“I-485”) currently with Form I-130, filed by her U.S citizen

husband. Alger Tan.

14. Defendants U.S. Department of Homeland Security (“DHS”) and the U.S. Citizenship and Immigration Services (“USCIS”), are government agencies that oversee lawful immigration in the United States and are responsible for enforcing the Immigration and Nationality Act and for adjudicating and properly acting on the Plaintiff’s I-485.

15. Defendant Alejandro Mayorkas is sued in the official capacity as Secretary of the Department of Homeland Security (“DHS”). As such, Mr. Mayorkas is responsible for the administration and enforcement of the laws governing immigration and naturalization.

16. Defendant Ur M. Jaddou is sued in her official capacity as Director of the United States Citizenship and Immigration Services (“USCIS”). As such, Ms. Jaddou is responsible for the overall administration of immigration benefits and services in the United States.

17. Defendant Terri Robinson is sued in the official capacity as Director of the USCIS National Benefits Center (“NBC”) in Lee’s Summit, MO. As such, Terri Robinson is responsible for the administration of NBC, the USCIS service center which currently processes Plaintiff’s I-485.

18. Defendant Michael Borgen is sued in the official capacity as Acting Director of the USCIS New York City Field Office (“New York Field Office”) located at 26 Federal Plaza, New York, NY 11354. As such, Michael Borgen is responsible for the administration of the New York Field Office which currently processes and reviews Plaintiff’s I-485.

### **FACTS AND PROCEDURAL HISTORY**

19. On July 12, 2012, Plaintiff entered the United States under the visa waiver program.

20. On June 28, 2021, Plaintiff and her U.S. citizen husband, Alger Tan, were married in

New York.

21. On November 15, 2021, Plaintiff and her husband concurrently filed Form I-130, Petition for Alien Relative, Case No. IOE0914218860 and Form I-485, Application to Adjust Status, Case No. IOE0914218859. Please see *Exhibit A, Receipt Notices of Form I-130 and Form I-485 filed for Plaintiff*

22. On June 6, 2022, Plaintiff and her husband attended an interview at the USCIS New York Field Office for Plaintiff's Form I-485. Please see *Exhibit B, Interview Notice for Plaintiff's Form I-485*.

23. The interview went well and Form I-130 was approved on the same day, June 6, 2022. Please see *Exhibit C, Approval Notice for Plaintiff's Form I-130*

24. However, Plaintiff's Form I-485 was not approved at the same time. As an I-485 application concurrently filed with an I-130 petition, if the I-130 petition was approved and there were no other grounds of inadmissibility, the I-485 should ideally be approved simultaneously.

25. Plaintiff entered the country legally and is not subject to removal proceedings. She is an immediate relative of a U.S. citizen, thus she does not have to wait for a visa number to become available. She has never been arrested or violated any law or regulations, in or outside the United States. Therefore, Plaintiff's I-485 application should be approved simultaneously or in close succession after the approval of Form I-130, given that there are no grounds for inadmissibility.

26. Plaintiffs' I-485 application has been pending for 20 months (**13 months since the approval of the Form I-130**) and still remains within the jurisdiction of Defendants, who have improperly withheld action on the application for an unreasonable period of time, to the

detriment of the Plaintiff.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

27. Plaintiff has made numerous written, telephonic, and online inquiries with USCIS since the completion of the interview, but all the responses she received from USCIS asked her to wait. Plaintiff does not comprehend what USCIS is reviewing that has resulted in her I-485 application remaining pending even after they have approved her I-130. Please see *Exhibit D, Response from USCIS regarding Plaintiff's pending I-485 Application*.

28. Plaintiff is owed a duty-the adjudication of their properly filed applications to adjust status, which has been duly filed with USCIS. Defendants have unreasonably delayed and failed to adjudicate Plaintiff's application. Plaintiffs have no other adequate remedy available for the harm they seek to redress-the failure of USCIS to process their applications to adjust status in a timely manner.

### **CAUSE OF ACTION**

29. Plaintiffs are entitled to adjust their status to lawful permanent resident pursuant to INA § 245, 8 U.S.C. § 1255. They are not subject to any inadmissibility.

30. Defendants have sufficient information to determine Plaintiffs' eligibility for adjustment of status pursuant to applicable requirements. Notwithstanding, Defendants USCIS has unreasonably delayed and refused to adjudicate Plaintiff's application to adjust her status, thereby depriving Plaintiff of her right to a decision on her immigration status and the peace of mind to which she is entitled.

31. Plaintiff and her husband have faced prolonged periods of uncertainty about her immigration status and future in the United States, leading to emotional distress. They have to keep postponing their wedding plans abroad in their home countries.

32. Delays hinder the Plaintiff's ability to fully integrate into American society, as she and her husband have been hesitant to make long-term plans or commitments without knowing the outcome of her application. The delay in adjudicating the I-485 application is causing significant disruptions in their career and family plans. They are being compelled to continually adjust these plans due to the uncertainty surrounding Plaintiff's status, a situation that is detrimental to their personal and professional growth, stability, and overall well-being.

33. Defendants' inaction in Plaintiff's applications has caused inordinate and unfair amounts of stress, expense, and hassle for Plaintiff, who is entitled to decisions on her application to adjust status without further unreasonable delay.

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **Mandamus**

34. The mandamus state permits a court to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff. See 28 U.S.C. § 1361

35. Accordingly, USCIS has a mandatory, non-discretionary duty to adjudicate, and process Lee's Form I-485, Case No. IOE0914218859.

36. Plaintiff has no other adequate remedies available to them to compel Defendants to adjudicate their applications.

**COUNT TWO**

**Administrative Procedure Act**

37. The Administrative Procedure Act, 5 U.S.C. § 555(b) and 706 (1), provides the Court with the authority to compel agency action unreasonably delayed.

38. By failing to render a decision on Plaintiff's I-485 application, Defendants are violating the Administrative Procedure Act by unlawfully and unreasonably withholding agency action.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff requests that the Court grant the following relief:

- A. Compel Defendants and those acting under them to take all appropriate action to adjudicate Plaintiff's I-485 applications without further delay
- B. Grant attorney's fees and costs of court to Plaintiffs under the Equal Access to Justice Act ("EAJA");
- C. Grant such other and further relief as this Court deems proper.

Respectfully submitted this  
on the 4th day of August 2023.

          / s /  
**LINA LI, ESQ.**  
*Attorney for Plaintiffs*

ALPHA LAW LLC  
3712 Prince Street, Ste 11A  
Flushing, NY 11354  
(646)885-7528 (tel)  
[li@alphalawus.com](mailto:li@alphalawus.com)



# EXHIBIT A

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

NOTICE TYPE <b>Receipt</b>		NOTICE DATE <b>November 16, 2021</b>
CASE TYPE <b>I-130, Petition for Alien Relative</b>		USCIS ALIEN NUMBER <b>A055550006</b>
RECEIPT NUMBER <b>IOE0914218860</b>	RECEIVED DATE <b>November 15, 2021</b>	PAGE <b>1 of 1</b>
PRIORITY DATE <b>November 15, 2021</b>	PREFERENCE CLASSIFICATION <b>201 B INA SPOUSE OF USC</b>	DATE OF BIRTH <b>May 29, 1985</b>

ALGER H. TAN  
C/O SHENGYANG WU ALPHA LAW LLC  
3712 PRINCE STREET STE 11A  
FLUSHING, NY 11354

8 00001716

**PAYMENT INFORMATION:**

Application/Petition Fee: \$535.00  
Total Amount Received: \$535.00  
Total Balance Due: \$0.00



**APPLICANT/PETITIONER NAME AND MAILING ADDRESS**

We have received your form and are currently processing the above case for the following beneficiaries:

Name	Date of Birth	Country of Birth	Class (If Applicable)
LEE, MYOUNGHW	9/1/1991	CHINA	

If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.

If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at [uscis.gov/contactcenter](https://uscis.gov/contactcenter) to connect with a live USCIS representative in English or Spanish.

**USCIS Office Address:**  
USCIS  
National Benefits Center  
P.O. Box 648003  
Lee's Summit, MO 64002

**USCIS Contact Center Number:**  
(800)375-5283  
**ATTORNEY COPY**



**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

NOTICE TYPE <b>Receipt</b>		NOTICE DATE <b>November 16, 2021</b>
CASE TYPE <b>I-485, Application to Register Permanent Residence or Adjust Status</b>		USCIS ALIEN NUMBER <b>A209468220</b>
RECEIPT NUMBER <b>IOE0914218859</b>	RECEIVED DATE <b>November 15, 2021</b>	PAGE <b>1 of 1</b>
PRIORITY DATE <b>November 15, 2021</b>	PREFERENCE CLASSIFICATION <b>Immediate Relative of U.S. citizen</b>	DATE OF BIRTH <b>September 01, 1991</b>

MYOUNGHWAA LEE  
C/O SHENGYANG WU ALPHA LAW LLC  
3712 PRINCE STREET STE 11A  
FLUSHING, NY 11354

8 00001714



**PAYMENT INFORMATION:**

**Application/Petition Fee:** \$1,140.00  
**Biometrics Fee:** \$85.00  
**Total Amount Received:** \$1,225.00  
**Total Balance Due:** \$0.00

**NAME AND MAILING ADDRESS**

We have received your form and are currently processing the above case. If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.

If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.

If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at [uscis.gov/contactcenter](https://uscis.gov/contactcenter) to connect with a live USCIS representative in English or Spanish.

**USCIS Office Address:**  
USCIS  
National Benefits Center  
P.O. Box 648003  
Lee's Summit, MO 64002

**USCIS Contact Center Number:**  
(800)375-5283  
**ATTORNEY COPY**



# EXHIBIT B

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**



REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			Notice Date April 27, 2022		
Case Type FORM I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# A209 468 220		
Receipt Number IOE0914218859	Received Date November 15, 2021	Priority Date	Page 1 of 2		
MYOUNGHWAA LEE c/o SHENGYANG WU ALPHA LAW 3712 PRINCE STREET STE 11A FLUSHING NY 11354		A Number  Receipt Number 			
<p>You are notified to appear before a USCIS officer regarding the application identified above and any supporting applications or petitions at the date, time, and place indicated below. <i>Failure to appear for the scheduled appointment under failure to bring the below listed items will result in the denial of your application.</i> (8 CFR 103.2 (b)(13))</p> <p><b>To ensure visitor and employee health and safety, please pay special attention to the sections entitled, "COVID-19 Safety Precautions" and "Who should come with you?"</b></p> <p><b>YOU MUST APPEAR FOR THIS APPOINTMENT</b> - However, if you are under self-isolation or quarantine, are ill, have any symptoms of illness or are at heightened risk due to age or an underlying health condition and would like to reschedule your appointment, call the U.S. Citizenship and Immigration Services (USCIS) Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) as soon as possible to reschedule your appointment. There is no penalty for requesting that your appointment be rescheduled.</p> <p><b>COVID-19 Safety Precautions</b> - To ensure the health and safety of all who enter USCIS facilities, you must take the following safety precautions when arriving for your appointment:</p> <ul style="list-style-type: none"><li>• DO NOT arrive more than 15 minutes prior to your appointment time. You will not be permitted entry into the office until 15 minutes before your appointment.</li><li>• Check <a href="https://www.dhs.gov">www.dhs.gov</a> for the county COVID-19 Community Level where you will appear for your appointment to understand the prevention steps for that location.</li><li>• Follow local USCIS guidance while inside USCIS facilities.</li><li>• You may have to answer health screening questions before entering.</li><li>• Bring a black or blue ink pen with you to your appointment.</li></ul> <p><b>Who should come with you?</b> - You may be limited in who may attend your appointment with you in person.</p> <ul style="list-style-type: none"><li>• If your eligibility is based on your marriage, your spouse must come with you to the appointment.</li><li>• If you do not speak English fluently and are eligible to take the appointment in a language other than English, you should arrange to have an interpreter come with you to the appointment or be available via phone. If you need a Sign Language Interpreter or Certified Deaf Interpreter, call the USCIS Contact Center at 1-800-375-5283 as soon as possible.</li><li>• Your attorney or authorized representative may come with you to the appointment or be available via phone.</li><li>• If your eligibility is based on parent/child relationship and you are a minor, your petitioning parent must come with you to appointment.</li><li>• If you are a minor under 14 years old, a parent or guardian must come with you to appointment.</li><li>• If you have a disability and have an individual who assists you, that individual may come with you.</li></ul> <p><b>YOU MUST BRING THE FOLLOWING ITEMS WITH YOU:</b> (Please use as a checklist to prepare for your interview)</p> <ul style="list-style-type: none"><li>• This Interview Notice and your Government issued photo identification.</li><li>• If required, a completed Form I-693, Report of Medical Examination and Vaccination Record, and/or vaccination supplement in a sealed envelope (unless already submitted). Please see the Form I-693 Instructions for guidance on whether you need a complete medical examination, an updated vaccine supplement only, or neither.</li><li>• If required, a completed Form I-864, Affidavit(s) of Support, with all required evidence (unless already submitted). Please see the Form I-864 Instructions for guidance on whether you need a Form I-864. Required evidence for each of your sponsors includes, but is not limited to, the following:<ul style="list-style-type: none"><li>• Federal Income Tax returns and W-2's, or certified IRS printouts, for the most recent tax year;</li><li>• Letters from each current employer, verifying current rate of pay and average weekly hours, and pay stubs for the past 2 months;</li><li>• Evidence of your sponsor's and/or co-sponsor's United States Citizenship or Lawful Permanent Resident status.</li></ul></li><li>• All documentation establishing your eligibility for Lawful Permanent Resident status. This includes, but is not limited to, proof of status as an asylee, refugee, or a fiancé(e) nonimmigrant.</li><li>• Any immigration-related documentation ever issued to you, including any Form I-766, Employment Authorization Document (EAD); Form I-512, Authorization for Advance Parole; and Form I-571, Refugee Travel Document.</li><li>• All travel documents used to enter the United States, including Passports; Form I-512, Authorization for Advance Parole; Form I-571 Refugee Travel Document; and Form I-94, Arrival/Departure Record.</li><li>• Your Birth Certificate.</li><li>• If your Form I-485 is based on a petition filed by a family member, your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident Status.</li><li>• If you have children, bring a Birth Certificate for each of them.</li><li>• If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring:</li></ul> <p>If you have questions, please call the USCIS Contact Center at 1-800-375-5283 (hearing impaired TTY service is 1-800-767-1833)</p> <table border="1"><tr><td>PLEASE COME TO: U.S. Citizenship and Immigration Services 26 FEDERAL PLAZA 9TH FL RM 9-901 JACOB K. JAVITS FEDERAL BUILDING NEW YORK, NY 10278</td><td>ON: Monday, June 06, 2022 AT: 12:55PM</td></tr></table>				PLEASE COME TO: U.S. Citizenship and Immigration Services 26 FEDERAL PLAZA 9TH FL RM 9-901 JACOB K. JAVITS FEDERAL BUILDING NEW YORK, NY 10278	ON: Monday, June 06, 2022 AT: 12:55PM
PLEASE COME TO: U.S. Citizenship and Immigration Services 26 FEDERAL PLAZA 9TH FL RM 9-901 JACOB K. JAVITS FEDERAL BUILDING NEW YORK, NY 10278	ON: Monday, June 06, 2022 AT: 12:55PM				
1					

**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**



REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			Notice Date April 27, 2022
Case Type FORM I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# A209 468 220
Receipt Number IOE0914218859	Received Date November 15, 2021	Priority Date	Page 2 of 2

- A certified copy of your Marriage Document issued by the appropriate civil authority;
- Your spouse's Birth Certificate;
- Your spouse's evidence of United States Citizenship or Lawful Permanent Resident status;
- If either you or your spouse were ever married before, all divorce decrees/death certificates for each prior marriage;
- Birth Certificates for all children of this marriage, and custody papers for your children and for your spouse's children not living with you;
- Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your spouse may have together. This may include: tax returns, bank statements, insurance documents (car, life, health), property documents (car, house, etc.), rental agreements, utility bills, credit cards, contracts, leases, photos, correspondence and/or any other documents you feel may substantiate your relationship.
- The originals and copies of each supporting document that you submitted with your application. Otherwise, we may keep your originals for our records.
- If you have ever been arrested, bring the related Police Report and the original or certified Final Court Disposition for each arrest, even if the charges have been dismissed or expunged. If no court record is available, bring a letter from the court with jurisdiction indicating this.
- A certified English translation for each foreign language document. The translator must certify they are fluent in both languages, and that the translation in its entirety is complete and accurate.

**NOTE:** For asylee and refugee Form I-485 applicants, we do not require some of the items listed above. Please refer to the Form I-485 Instructions for detailed guidance. For asylee and refugee Form I-485 applicants, your spouse does not need to come to the interview. Additionally, for arrests and criminal records, asylee and refugee applicants are only required to provide records for arrests that occurred in the United States.

To request a disability accommodation, go to [www.uscis.gov/accommodations](http://www.uscis.gov/accommodations) or call the USCIS Contact Center at 1-800-375-5283 (TTY: 1-800-767-1833) as soon as possible, even if you indicated on your application that you require an accommodation.

If you have questions, please call the USCIS Contact Center at 1-800-375-5283 (hearing impaired TTY service is 1-800-767-1833)

PLEASE COME TO: U.S. Citizenship and Immigration Services  
26 FEDERAL PLAZA 9TH FL RM 9-901  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, NY 10278

ON: Monday, June 06, 2022  
AT: 12:55PM

# EXHIBIT C



**THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.**

Receipt Number IOB0914218860		Case Type I130 - PETITION FOR ALIEN RELATIVE
Received Date 11/15/2021	Priority Date 11/15/2021	Petitioner A055 550 006 TAN, ALGER HUNG CHIAO
Notice Date 06/06/2022	Page 1 of 1	Beneficiary A209 468 220 LEE, MYOUNGHWHA

TAN, ALGER HUNG CHIAO  
c/o WU, SHENGYANG  
ALPHA LAW  
3712 PRINCE STREET STE 11A  
FLUSHING NY 11354

**Notice Type:** Approval Notice  
**Section:** Husband or wife of U.S Citizen, 201(b)  
INA

We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. This is a courtesy copy, not the official notice.

**What the Official Notice Said**

The above petition has been approved. The petition indicates that the beneficiary wishes to apply for adjustment of status to that of a lawful permanent resident. They should submit a copy of this notice, along with a Form I-485, Application to Register Permanent Residence or Adjust Status. The beneficiary can obtain Form I-485 from the USCIS website at [www.uscis.gov](http://www.uscis.gov), by contacting the USCIS National Customer Service Center (NCSC) at 1-800-375-5283, or by visiting the local USCIS field office. Filing address information can be found on the USCIS website at [www.uscis.gov](http://www.uscis.gov).

If the beneficiary decides to apply for an immigrant visa outside the United States based on this petition, you should file Form I-824, Application for Action on an Approved Application or Petition, to request that we send the petition to the U.S. Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

The NVC will contact the beneficiary of this petition with further information about immigrant visa processing steps.

**THIS NOTICE IS NOT A VISA AND MAY NOT BE USED IN PLACE OF A VISA.**

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

National Benefits Center  
U.S. CITIZENSHIP & IMMIGRATION SVC  
P.O. Box 648003  
Lee's Summit MO 64002

USCIS Contact Center: [www.uscis.gov/contactcenter](http://www.uscis.gov/contactcenter)





# EXHIBIT D



Eileen He <ehe@alphalawus.com>

---

**Fwd: Your recent inquiry (receipt #IOE-09-142-18859)**

1 message

Lina Li <li@alphalawus.com>

Fri, Jun 16, 2023 at 3:15 PM

To: LP Tiger <tiger@alphalawus.com>, He Eileen <ehe@alphalawus.com>

Sent from my iPhone

Begin forwarded message:

**From:** USCIS <USCIS-CaseStatus@dhs.gov>  
**Date:** June 16, 2023 at 2:56:27 PM EDT  
**To:** li@alphalawus.com  
**Subject:** Your recent inquiry (receipt #IOE-09-142-18859)

U.S. Department of Homeland Security  
USCIS Queens Field Office  
26 Federal Plaza  
New York, NY 10278

U.S. Citizenship and Immigration Services  
Friday, June 16, 2023

Emailed to LI@ALPHALAWUS.COM

Dear MYOUNGHWAA LEE:

On 06/06/2023, you or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:  
-- Applicant or Petitioner

Attorney Name:  
-- Information not available

Case type:  
-- I485

Filing date:  
-- 11/15/2021

Receipt #:  
-- IOE-09-142-18859

Referral ID:  
SR11572307098QNS  
Beneficiary (if you filed for someone else):  
-- Information not available

Your USCIS Account Number (A-number):  
-- 209468220

Type of service requested:  
-- Outside Normal Processing Times

The status of this service request is:

Thank you for contacting USCIS concerning the above-referenced application. Below is a summary of what we have found.

We are experiencing a high volume of applications. Your case is awaiting review. You do not need to do anything at this time. If we need any information from you, we will mail you a request for evidence at your current address on file with USCIS. When we make a decision on your case, we will mail a notice to you or your representative at the address you gave us.

Please note that processing times are estimates and are not a guarantee that applications will be processed within a specific timeframe. Individual processing times vary. Once further action is taken, notice will be sent to the address of record. It is important that you carefully follow the instructions outlined on any future notice that you might receive.

We assure you that we are working to complete the adjudication of your application as quickly as available resources allow. If you have not received notice of further action within 90 days of this response, please feel free to submit a new request to the USCIS Contact Center for additional assistance.

If your receipt number begins with IOE, please consider activating your USCIS online account at [myaccount.uscis.gov](https://myaccount.uscis.gov). You can use your account to get your current case status and to access every notice we send you. You can also send messages and receive answers through a secure inbox.

**Address Changes:** If you move, please provide us with an updated address. For more information about address changes, please visit our website at [uscis.gov/addresschange](https://uscis.gov/addresschange), and click on "How to Change Your Address." To ensure that all mail is delivered as addressed, please also ensure that you are registered with the U.S. Postal Service (USPS) to receive mail at the address of record you have provided to USCIS.

For questions about your application, you can use our many online tools ([uscis.gov/tools](https://uscis.gov/tools)) including our virtual assistant, Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting [uscis.gov/contactcenter](https://uscis.gov/contactcenter). The USCIS website also provides detailed information about policies and procedures, and you can download and e-file forms from the website.

Dear MYOUNGMA LEE:

On 03/08/2023, you or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:

-- Applicant or Petitioner

Attorney Name:

-- Information not available

Case type:

-- 1485

Filing date:

-- 11/16/2021

Receipt #:

-- ICE-09-142-18859

Referral ID:

SR10672305174QNS

Beneficiary (if you filed for someone else):

-- Information not available

Your USCIS Account Number (A-number):

-- 289458220

Type of service requested:

-- Outside Normal Processing Times

The status of this service request is:

Thank you for contacting USCIS concerning the above-referenced application. Below is a summary of what we have found.

Your case is under active review by an immigration officer. You should be receiving a decision or notice of further action at the address of record shortly. If you have not received a decision or notice of further action within 60-days of this response, please feel free to submit a new inquiry by calling the USCIS Contact Center.